



23 MAY 2007

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In re Application of :
EUWEN, Derk Bastiaan :
U.S. Application No.: 10/530,150 :
PCT No.: PCT/NL2003/000593 :
Int. Filing Date: 21 August 2003 :
Priority Date: 01 October 2002 :
Attorney Docket No.: 3135-050936 :
For: HOUSING FOR GAS-TREATING :
COMPONENTS, PANEL AND :
METHOD FOR MANUFACTURING :
SUCH A HOUSING :

DECISION ON PETITION

TO WITHDRAW HOLDING

OF ABANDONMENT

This decision is in response to the "Renewed Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181" filed 11 April 2007.

BACKGROUND

On 12 February 2007, a decision dismissing applicant's petition to withdraw the holding of abandonment was mailed. Applicants were given two months to respond.

On 11 April 2007, applicant filed a renewed petition which was accompanied by, *inter alia*, copies of counsel's docket records and computer reports.

DISCUSSION

As previously indicated, the showing required to establish the failure to receive an Office communication consists of: (1) a statement from the practitioner declaring that the Office communication was not received by the practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and, (3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioners' statement. Item (1) was completed in the initial petition.

In the renewed petition, counsel makes the required statement that the file and docket records were searched and no record was found of the Form PCT/DO/EO/905 satisfying item (2) above.

Petitioner also submitted copies of computer docket records for the subject application and the law firms daily scheduling system for all applications due a response on 31 March 2006. A review of the docket records show that there is no record that the Form PCT/DO/EO/905 mailed 31 January 2006 was received. This evidence is sufficient to satisfy item (3).

Applicant has now met all of the requirements required to establish nonreceipt of an Office action.

CONCLUSION

For the reasons noted above, applicant's renewed petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 07 November 2006 is hereby **VACATED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 August 2003 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 09 January 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


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